Calendar No. 494

99TH CONGRESS
1st Session

SENATE

REPORT
99-226

EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE AND THE NATIONAL FISH AND WILDLIFE SERVICE TRAINING CENTER

DECEMBER 19, (legislative day, DECEMBER 16), 1985.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany H.R. 1404]

The Committee on Environment and Public Works, to which was referred the Act (H.R. 1404) to establish the Eastern Shore of Virginia National Wildlife Refuge and the National Fish and Wildlife Service Training Center at Cape Charles in Northampton County, Virginia, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

GENERAL STATEMENT

H.R. 1404 (and identical legislation, S. 585) will establish a 1,400-acre Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, in Northampton County, Virginia. Establishment of a refuge in this area, presently named the Cape Charles National Wildlife Refuge, began on August 27, 1984 when the General Services Administration approved transfer of the 174-acre Cape Charles Air Station to the Fish and Wildlife Service. H.R. 1404 will expand these refuge boundaries to include 396 acres owned by the Chesapeake Bay Bridge Tunnel Authority, 297 acres owned by the Wise Point Corporation, plus other adjacent lands currently in State, county and private ownership.

The lands included within the Eastern Shore of Virginia National Wildlife Refuge are located on the southern end of the Delmarva Peninsula. Construction of the Annapolis Bay Bridge and Chesapeake Bay Bridge Tunnel during the past 40 years has made this

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area readily accessible to the populations of Washington, D.C., Baltimore, and Norfolk. This increased accessibility and relatively low land prices, in turn, have made the area an attractive one for development, and recently, the Chesapeake Bay Bridge Tunnel Authority placed its 396 acres of land on the market. The Nature Conservancy has signed a contract to buy this property for $2.64 million to ensure that the area is preserved in its natural state. The Nature Conservancy intends to hold this land for the Fish and Wildlife Service (FWS) pending authorization and appropriation of funds by Congress.

The continuing resolution providing funds for the Department of the Interior in fiscal year 1986, H.J. Res. 465, which has been passed by the House of Representatives and the Senate, provides $2.64 million to purchase the Bay Bridge Tunnel property. H.R. 1404 will provide the necessary authorization for the Fish and Wildlife Service to go forward with this acquisition.

The proposed refuge site is used by migrating birds to wait out unfavorable weather conditions before crossing large expanses of open water to the south. It is one of only two such major stop-over areas along the Atlantic Coast (the other is Cape May, New Jersey). Additionally, endangered or threatened species, such as peregrine falcons, bald eagles, and brown pelicans utilize this habitat. Other species found in the area include least terns, royal terns, whimbrels, dunlins, sanderlings, black ducks, snow geese, and brant. The proposed refuge boundaries also encompass an abundance of tidal wetlands and marshes which are important to the protection of other estuarine resources.

The National Fish and Wildlife Service Training Center will utilize, in part, facilities constructed in conjunction with the Cape Charles Air Station. It is expected that the training facility will support a broad range of FWS and non-FWS functions. The FWS is the only Federal land management agency without such facilities. Annual capacity of the training center when completed is estimated at approximately 12,000 trainee-days. Current FWS training needs will require more than half of this capacity. The remaining center capacity may be used by other agencies, private organizations, and educational institutions. Several major universities, including the College of William and Mary and Old Dominion University, have expressed interest in conducting environmental education programs at the refuge.

Although establishment of such a facility to train FWS employees is important, first priority should be given to using the funds made available to ensure that the lands and waters within the refuge boundaries are protected adequately.

Section-by-Section Analysis

SECTION 1—FINDINGS AND PURPOSES

Section 1 states the findings and purposes of the legislation. The findings recognize the importance of the refuge area for migratory birds and threatened and endangered species. They also state that the facilities of the former Cape Charles Air Station provide a

unique opportunity to combine habitat conservation with environmental education, training, and research.

The purposes of the legislation are to conserve, manage, and enhance the habitat within the refuge boundaries for fish and wildlife species; to encourage natural biological diversity; to fulfill international fish and wildlife treaty obligations; to provide fish and wildlife-oriented recreation and education; and to provide environmental education, research, and training for the FWS, other Federal and State agencies, educational institutions, and private individuals and organizations.

SECTION 2—DEFINITIONS

This section defines the term "refugee," as used in H.R. 1404, to mean the Eastern Shore of Virginia National Wildlife Refuge in Northhampton County, Virginia. The refuge comprises the lands, waters, and interests within the boundaries delineated on the map entitled "Cape Charles National Wildlife Refuge," dated September 1984 and on file at the FWS.

The term "Secretary" is defined as the Secretary of the Interior.

SECTION 3—ESTABLISHMENT OF THE REFUGE

In addition to the 174 acres acquired by the FWS as excess property from the General Services Administration, section 3(a) authorizes the Secretary of the Interior to acquire the remaining lands and waters depicted on the map of September 1984, titled "Cape Charles National Wildlife Refuge." These designated lands, waters, and interests therein may be acquired by donation, purchased with donated or appropriated funds, exchange, or by any combination of these methods.

Section 3(b) requires the Secretary of the Interior to establish, by publishing notice in the Federal Register, the Eastern Shore of Virginia National Wildlife Refuge at such time as sufficient lands and waters have been acquired to constitute an area that can be administered effectively as a refuge.

Section 3(c) allows the Secretary of the Interior to make minor adjustments to the refuge boundary to facilitate acquisition and administration of the refuge. The Secretary, however, should continue to acquire the lands and waters within the designated refuge boundaries if or when they become available.

SECTION 4—ADMINISTRATION

Section 4(a) requires the Secretary of the Interior to manage the refuge lands and waters in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). The refuge should be managed primarily to conserve and enhance habitat for use by endangered and threatened species, migratory birds, and other species of fish and wildlife. Wildlife-oriented recreation, including hunting and fishing, and environmental education and training should be encouraged to the extent that these activities are compatible with such fish and wildlife conservation purposes.

Section 4(b)(1) mandates that the Secretary of the Interior establish training facilities on the refuge for use by the FWS, other Federal and State agencies, educational institutions, and private organizations and individuals. This section also authorizes the Secretary to lease facilities for environmental education and research and to provide opportunities for environmental education.

Section 4(b)(2) authorizes the Secretary of the Interior to collect reasonable fees to defray the costs of providing training, research, and environmental education opportunities. These fees are to be deposited in a special account in the Treasury of the United States and are to be made available to the Secretary without future appropriation to provide or enhance such opportunities.

SECTION 5—AUTHORIZATION OF APPROPRIATION

Section 5 authorizes appropriation of such sums as may be necessary to carry out the Act. Approximately $3.6 million will be required initially to purchase the property needed to protect adequately those lands and waters within the refuge boundary.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Improvement Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement on S. 585 (legislation identical to H.R. 1404) follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and the National Fish and Wildlife Service Training Center at Cape Charles, Virginia.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

DECEMBER 4, 1985.

1. Bill number: S. 585.

2. Bill title: A bill to establish the Eastern Shore of Virginia National Wildlife Refuge and the National Fish and Wildlife Service Training Center at Cape Charles, Virginia.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, December 4, 1985.

4. Bill purpose: S. 585 would direct the Secretary of the Interior to establish the Eastern Shore of Virginia National Wildlife Refuge upon the acquisition of sufficient land, water and interests therein. The Secretary would be further directed to establish a training facility on the refuge for use by the U.S. Fish and Wildlife Service and other users, including other federal and state government agencies as well as educational institutions, private organizations and individuals. The bill would authorize the appropriation of sums necessary to carry out these directives. In addition, the Secretary would be authorized to collect fees to help defray the costs of providing training, research and environmental education. Amounts collected would be available to the Department of the Interior without further appropriations action.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Estimated authorization level	5.4	4.1	4.2	1.8	1.8
Estimated outlays	1.8	3.5	4.5	3.9	2.8

The costs of this bill fall within budget function 300.

Basis of estimate: Authorization levels have been estimated on the basis of information from the U.S. Fish and Wildlife Service (USFWS). Outlays have been estimated on the basis of historical spending patterns for similar programs.

The USFWS estimates that $3.6 million would be required for land acquisition and an additional $7.8 million over five years would be needed to develop training center and refuge facilities.

CBO estimates that annual operating costs for the wildlife refuge would be about $360,000 in fiscal year 1987, rising to about $400,000 by 1990. Additional one-time expenditures totaling about $60,000 would be required in fiscal year 1987 for moving expenses and purchases of equipment and supplies.

Training center operating expenses are estimated to be about $900,000 a year beginning in fiscal year 1988, with one-time costs of about $350,000 for purchases and moving expenses expected in fiscal year 1987. If the training center is used by other agencies or organizations besides the USFWS, these expenses could be higher, but such additional costs could be offset by fee collections.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On November 7, 1985 CBO prepared an estimate for H.R. 1404, as ordered reported by the House Committee on Merchant Marine and Fisheries, November 6, 1985. This estimate is identical to the earlier submission.

9. Estimate prepared by: Deb Reis (226-2860).

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

HEARINGS

A hearing was held on S. 585 (legislation identical to H.R. 1404) by the Subcommittee on Environmental Pollution on September 20, 1985, in Washington, D.C. Testimony was received from Senator Paul Trible, Fish and Wildlife Service, The Nature Conservancy and the National Audubon Society.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the Rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

S. 585 (legislation identical to H.R. 1404) was ordered reported on December 4, 1985, by a rollcall vote of 15 to 0.

REGULATORY IMPACT EVALUATIONS

Section 11(b) of rule XXVI of the Standing Rules of the Senate require the Committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any significant new regulatory burden.

DEPARTMENTAL REPORTS

The Committee on Environment and Public Works received the following Department Report:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, December 3, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to provide you with our views on S. 585, a bill "To establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, Virginia."

We do not support enactment of S. 585 at this time.

S. 585 would provide for establishment of the Eastern Shore of Virginia National Wildlife Refuge. The Secretary of the Interior would be required to establish training facilities on the refuge for Federal, State, and private use. The Secretary would be authorized to collect reasonable fees for such use, which would be placed in a special account, to be available without appropriation, to assist in defraying the costs of providing training opportunities.

On August 6, 1984, the General Services Administration approved a Fish and Wildlife Service request for transfer of the 174-acre Cape Charles Air Force Station. The refuge was begun in August of 1984 as a result of this transfer and the Service will continue to operate and maintain the existing refuge.

S. 585 would expand the refuge area to approximately 1,400 acres. The bill would protect an area related to the migration of birds along the Atlantic Flyway.

The site is at the southern tip of the Delmarva Peninsula in an area known as Wise Point. The Peninsula, like Cape May in New Jersey, narrows at the southern tip and provides a geographic "funnel" through which birds pass into an overwater stage of their migration. They typically pause in this "lands end" area, particularly in bad weather, to rest and feed before making the crossing; or they may circle northward from this point in a counterclockwise maneuver to move up the bay and inland before resuming their southward migration.

S. 585 would also provide for development of a national training center at the refuge for the Fish and Wildlife Service, which could serve other Federal and State agencies, educational institutions, and private organizations. We do not believe that another training facility is needed because other facilities, such as those at Leetown, West Virgina, or Glynco, Georgia, are available for these purposes. Furthermore, the availability of educational institutions and on-site use at individual refuges within the National Wildlife Refuge System provides sufficient training opportunities for Service personnel and the general public.

We recognize the importance of this area for birds. However, the area is not undergoing rapid development and we have higher priorities in other areas. Based on current budgetary considerations, we do not plan to seek any funds for acquisition in this area in the foreseeable future. Therefore, this legislation is not necessary.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

H.R. 1404, as reported, would make no change in existing law.

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